IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	C. Wang
Serial No.:	10/027,610
For:	Session initiation protocol (SIP) user agent in a serving GPRS support node (SGSN)
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Art Unit:	2616
Examiner:	Steven H.D. Nguyen
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/Joel Miller/	June 29, 2007
Signature	Date of Signature
Joel Miller	29,955
Attorney Name	Reg. No.

Pre-Appeal Brief Request for Review

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Via EFS-Web

Sir:

Applicant requests review of the final rejection. No amendments are being filed with this request. A notice of appeal accompanies this request.

All of the rejected claims recite limitations directed to the following features of the invention - (1) a SIP user agent resident in the serving GPRS support node (SGSN) that generates a request directed to a SIP application server and (2) an SGSN-requested PDP context activation. As discussed below, neither of the cited references disclose, teach, or suggest either of these features, nor would it be obvious to modify either of the references to locate a SIP user agent in the SGSN for the purpose of sending SIP requests to a

SIP application server from the SGSN or provide an SGSN with the capability of initiating a PDP context activation.

The Mizell et al. Reference

U.S. Patent Application Publication No. US 2002/0077133 (Mizell et al.) was relied upon in the rejection of claims 2-4, 6-10, 25, and 26 (office action, ¶¶ 2, 4, 6). Each of these claims recite the apparatus for, or the step of, "initiating a PDP context activation" by the SGSN.

Mizell et al. does not meet this limitation as it discusses initiation of a PDP context by the gateway GPRS support node (GGSN) 224, and not by the serving GPRS support node (SGSN) 212. See Mizell et al., ¶¶ [0041], [0047] (step 316), [0051] (step 416), and [0053] (step 524). Further, as defined and described in the 3GPP/ETSI standards, the GGSN and the SGSN are two separate components having different functions. "The Gateway GPRS Support Node (GGSN) provides interworking with external packet-switched networks, and is connected with SGSNs via an IP-based packet domain PLMN backbone network." ETSI TS 123 060 v3.9.0 (2001-10), titled "Digital cellular telecommunications system (Phase 2+) (GSM); Universal Mobile Telecommunications System (UMTS); General Packet Radio Service (GPRS); Service description; Stage 2 (3GPP TS 23.060 version 3.9.0 Release 1999), October 2001, p. 16. By contrast, "[t]he Serving GPRS Support Node (SGSN) keeps track of the location of an individual MS and performs security

functions and access control." Id. Nor would it be obvious to "initiat[e] a PDP context activation at the serving GPRS support node" in view of teachings of Mizell et al., as it would require a change in the operation of the applicant's invention. For at least these reasons, claim 25 is not anticipated nor rendered obvious by Mizell et al. and claims 2-4, 6-10, and 26 are not rendered obvious by the reference.

The Surdila et al. Reference

U.S. Patent Application Publication No. US 2002/0110104 (Surdila et al.) was relied upon in the rejection of claims 1-5, 6-10, 21-24, and 26 (office action, ¶¶ 4, 5, and 6). Each of these claims require a SIP user agent resident in a serving GPRS support node (the SGSN). Surdila et al., however, does not disclose, teach, or suggest placing a SIP user agent in the SGSN. Rather, Surdila et al. shows a SIP user agent in the MGCF. The MGCF (media gateway control function) serves as an interface with the circuit-switched network, while the SGSN is concerned with the mobile station, as described in the preceding paragraph. Absent the applicant's claimed invention, there is no reason to place a SIP user agent in the SGSN in Surdila et al.

The citation to In re Japikse, 181 F.2d 1019, 86 U.S.P.Q. 70 (C.C.P.A. 1950) does not support the proposition that it would have been obvious to locate the SIP user agent in the SGSN, as this would "modified the

operation" of the system. M.P.E.P. § 2144.04(VI)(C) (8th ed., rev. 5, August 2006), page 2100-139 (rejection upheld there because the modification "would not have modified the operation of the device." [emphasis added]). In the Japikse matter, the operation of a hydraulic press would not be changed if the position of a starting switch was altered from that claimed to that taught by the art. Here, however, changing the location of the SIP user agent from the SGSN, as described and claimed by the applicant, to the location taught by Surdilla et al. would change both the structure and operation of the applicant's invention. Similarly, moving the SIP user agent from the MGCF to the SGSN in Surdilla et al. would change the operation of the system in that reference. See, M.P.E.P. § 2143.01(VI) (8th ed., rev. 5, August 2006), p. 2100-130 ("[i]f the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious.").

For at least the foregoing reasons, the concept of locating a SIP user agent in a serving GPRS support node (the SGSN) is not anticipated or rendered obvious by Surdilla et al. nor would it be obvious to someone skilled in the art to modify Surdila et al. to achieve the applicant's claimed combination. Therefore, claims 1-5, 6-10, 21-24, and 26 are not rendered obvious by Surdila et al.

Conclusion

For at least the foregoing reasons, the claims are neither anticipated nor rendered obvious by the art. Reconsideration is requested.

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Respectfully submitted,

/Joel Miller/
Joel Miller
Reg. No. 29,955
17 Westwood Drive South
West Orange, N.J. 07052
(973) 736-8306

Attorney for Applicant(s)